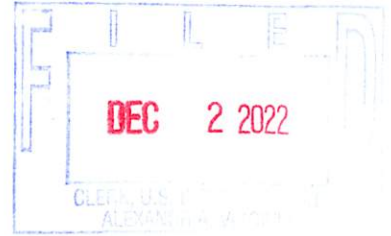


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



JANE DOE,

Plaintiff,

v.

CENK SIDAR,

Defendant.

Civil Action No. 1:22cv0545 (CMH/JFA)

ORDER

This matter is before the court on plaintiff's motion to enlarge the discovery period (Docket no. 60) and motion for sanctions and to further compel compliance with Judge Buchanan's August 5, 2022, order (Docket no. 63). The court previously ordered defendant to appear at plaintiff's counsel's office on August 29, 2022 at 10:00 a.m. to provide buccal swab samples and warned that failure to comply may result in sanctions including default judgment. (Docket no. 40). For the reasons stated during the hearing on December 2, 2022, the undersigned finds defendant unjustifiably failed to comply with that order and still has not complied with that order.

In determining the appropriate sanction for violating the court's order, the undersigned considered the factors laid out by the Fourth Circuit in *Anderson v. Foundation for Advancement, Educ. & Emp't of Am. Indians*, 155 F.3d 500, 504 (4th Cir. 1998). The undersigned finds that defendant has acted in bad faith, in that defendant failed to obtain relief prior to the compliance date laid out in the court's order and yet still failed to comply with the order. Plaintiff is substantially prejudiced by defendant's failure to comply with the court's order, as obtaining this discovery was an important component of presenting plaintiff's case on liability. There is a

strong need to deter parties that blatantly violate a clear court order when relief has not been granted prior to the compliance date. Accordingly, the undersigned recommends the court enter a judgment of default against defendant as to liability and proceed on damages alone.

Given this ruling, the motion to enlarge the discovery period is denied.

Entered this 2nd day of December, 2022.

 /s/ JFA
John F. Anderson
United States Magistrate Judge
John F. Anderson
United States Magistrate Judge

Alexandria, Virginia